

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CWP No. 13827 OF 2016 (O&M)

Date of decision: 17.01.2017

Narinder Kumar and ors.

.. Petitioners

vs.

State of Haryana and ors.

.. Respondents

Coram: **Hon'ble Mr. Justice Rajesh Bindal**
 Hon'ble Mr. Justice Harinder Singh Sidhu

Present:- Mr. Puneet Bali, Sr. Advocate with
 Mr. Vibhav Jain, Advocate
 for the petitioners.

Rajesh Bindal, J.

The present petition has been filed by General Power of Attorney holders on behalf of the landowners praying for issuance of a Writ in the nature of Mandamus directing respondents not to act upon notification dated 03.03.2003 issued under Section 4 of the Land Acquisition Act, 1894(in short 'The Act, 1894') and subsequent notification dated 02.03.2004 issued under Section 6 thereof while referring to Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013. The submission is that the possession of the land being still with the landowners, the acquisition proceedings had lapsed.

On 15.7.2016 this Court passed the following order:-

“Let the petitioners first satisfy re: the provision of law under which a General Power of Attorney authorized for all intents and purposes to transfer the title and interest in immovable property, could be executed when the land has already been acquired and stood vested in the State free from all encumbrances.”

Learned counsel for the petitioners submitted that the possession of the land had not been taken by the State, however, on the question posed by this Court whether interest in immovable property could be transferred by way of power of attorney after the acquisition of the land, learned counsel for the petitioners could not satisfy this Court on the issue that any sale deed or agreement to sell could be executed with reference to the land for which notifications under Sections 4 and 6 of the Act, 1894 had been issued and even the award had been announced by the Collector. The general power of attorney is nothing else but an agreement vide which rights have been transferred by the owners of the land to the General Power of Attorney holders for development of land, which in fact stood already acquired.

Hence, we do not find that the petitioners have any locus to challenge the acquisition.

Consequently, the writ petition is dismissed.

(Rajesh Bindal)
Judge

(Harinder Singh Sidhu)
Judge

17.01.2017
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Whether speaking/reasoned
Whether Reportable:

Yes/No
Yes/No